

FEDERAL EXPRESS CORPORATION
Frederick L. Douglas (Admitted *Pro Hac Vice*)
David A. Billions (Admitted *Pro Hac Vice*)
Barak J. Babcock (Admitted *Pro Hac Vice*)
3620 Hacks Cross Road
Building B, 3rd Floor
Memphis, Tennessee 38125-8800
Telephone: 901.434.8519
Facsimile: 901.434.9271

SEYFARTH SHAW LLP
Gilmore F. Diekmann, Jr. (SBN 050400)
Patricia H. Cullison (SBN 101636)
Francis J. Ortman, III (State Bar No.: 213202)
560 Mission Street, Suite 3100
San Francisco, California 94105
Telephone: 415.397.2823
Facsimile: 415.397.8549

Attorneys for Defendant
FEDERAL EXPRESS CORPORATION,
dba FEDEX EXPRESS (erroneously sued herein as
FedEx Corporation, dba FedEx Express)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDWARD ALVARADO, JOHN AZZAM,	)	Case No. C04-0098 SI
CHARLOTTE BOSWELL, TANDA BROWN,)	
BERTHA DUENAS, PERNELL EVANS,	)	DEFENDANT'S REPLY
CHARLES GIBBS, JANICE LEWIS, MARIA	)	MEMORANDUM IN SUPPORT OF
MUNOZ, KEVIN NEELY, LORE PAOGOFIE,	)	MOTION FOR STAY RE: PLAINTIFF
DYRONN THEODORE, LASONIA WALKER	)	EDWARD ALVARADO (DOCKET NO.
and CHRISTOPHER WILKERSON,	)	697) AND MOTION FOR STAY RE:
	)	PLAINTIFF PERNELL EVANS
Plaintiffs,	)	(DOCKET NO. 698)
)	
v.	)	Date: March 14, 2007
)	
FEDEX CORPORATION, a Delaware	)	Time: 4:00 p.m.
corporation, dba FEDEX EXPRESS,)	
	)	Judge: Hon. Susan Illston
Defendant.)	
)	

DEFENDANT'S REPLY MEMORANDUM IN SUPPORT OF MOTIONS FOR STAY RE:
PLAINTIFF EDWARD ALVARADO AND PLAINTIFF PERNELL EVANS, CASE NO. C04-
0098 SI

1 Defendant, Federal Express Corporation (“FedEx”), through its attorneys, submits this
 2 Reply Memorandum in Support of its Motions for Stays of Execution of Judgment And to Waive
 3 the Bond Requirement Re: Plaintiff Edward Alvarado (Docket No. 697) and Plaintiff Pernell
 4 Evans (Docket No. 698). In their Response Memoranda (Docket Nos. 705 and 706), Plaintiffs’
 5 advance the argument that the Court should deny Stays under Rule 62(b) because of the “posture
 6 of the case.” FedEx’s attorney represented to the Court (Docket No. 703), its intentions to file
 7 numerous post judgment motions by the deadlines imposed by the rules. Moreover, Plaintiffs
 8 assertion that FedEx should be required to post a bond because of the “future discrimination
 9 judgments that FedEx has to pay out over the next year” is equally without merit. Plaintiffs have
 10 not shown (and can not show) any employment discrimination judgment creditor that FedEx has
 11 failed to pay. Requiring FedEx to post a supersedeas bond for the duration of time it takes the
 12 Court to rule on post trial motions would be a waste of money and, thus, not necessary. *See*
 13 *Dillon v. City of Chicago*, 866 F.2d 902, 904-05 (7th Cir. 1988).¹

14 For the reasons articulated above and in its initial pleadings (Docket Nos. 697 and 698),
 15 FedEx requests that the Court issue Stays under Rule 62 and waive the requirement for a
 16 supersedeas bonds.
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26 ¹ In the alternative, FedEx requests that the Court approve the proposed supersede bonds, previously filed with the
 27 Court (Docket No. 708, Exs. A-B).

1 DATED: March 12, 2007.

FEDERAL EXPRESS CORPORATION

2
3 By: /s/ Barak J. Babcock

4 Barak J. Babcock

5 Senior Attorney

6 Attorneys for Defendant

Federal Express Corporation

7 Doc. No. 636840